

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2113

AN ACT

AMENDING SECTION 23-672, ARIZONA REVISED STATUTES; RELATING TO EMPLOYMENT SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 23-672, Arizona Revised Statutes, is amended to
3 read:

4 23-672. Appeals board; review of board decision

5 A. Within the department, an appeals board is established consisting
6 of four members. The director shall appoint the members of the appeals board
7 and shall designate one member to serve as chairman.

8 B. Hearings conducted by or at the direction of the appeals board
9 shall be conducted as provided by section 23-674 and other provisions of this
10 chapter. The department shall prescribe by rule the procedures for
11 petitioning for review, removal of cases to the board and appeals under
12 section 23-673. An interested party may file either a written or electronic
13 petition for review. On the filing of a petition for review, the department
14 shall prepare a complete record unless the parties stipulate otherwise.

15 C. In any case in which a petition for review of an appeal tribunal or
16 hearing officer decision has been filed by an interested party, the appeals
17 board may remand the case to any appeal tribunal or hearing officer for
18 further proceedings or may review the matter on the basis of the record in
19 the case, take additional evidence or rehear the matter and affirm, reverse,
20 modify or set aside the decision of the appeal tribunal or hearing officer.
21 On notice to the interested parties, a petition for review may be reviewed by
22 one member of the appeals board designated by the chairman. If an interested
23 party objects to review by one board member, the matter shall be heard by
24 three members of the appeals board.

25 D. Unless a petition for hearing or review of a department
26 determination made under article 5 of this chapter is withdrawn, the appeals
27 board after affording the parties reasonable opportunity for a fair hearing
28 shall issue its decision.

29 E. Every decision of the appeals board shall be in writing. If the
30 decision is issued by three members of the appeals board, and the appeals
31 board is not unanimous, the decision of the majority shall control. The
32 minority may file a dissent from the decision, setting forth the reasons for
33 the dissent. All interested parties shall be promptly notified of the
34 decision and the reasons for the decision. Notice to the parties of the
35 decision shall be accompanied by instructions explaining the procedure for
36 requesting review as described in subsection F of this section and clearly
37 indicating the final date for filing a request for review.

38 F. A party dissatisfied with the decision under subsection E of this
39 section may file a request for review within thirty days ~~from~~ AFTER the date
40 of the decision, which shall be a written or electronic request and
41 memorandum stating the reasons why the appeals board's decision is in error
42 and containing appropriate citations of the record, rules and other
43 authority. On motion, and for good cause, the appeals board may extend the
44 time for filing a request for review. The timely filing of such a request
45 for review is a prerequisite to any further appeal. The appeals board shall

1 notify all parties of the filing of a request for review and shall allow
2 fifteen days from the date of the notice for any party to respond.
3 Thereafter, **WITHIN NINETY DAYS AFTER THE REQUEST FOR REVIEW IS FILED**, the
4 appeals board shall issue a decision on review affirming, modifying or
5 reversing ~~its~~ **THE** decision,~~—~~ or ordering the taking of additional
6 testimony. All parties shall be given written notice by mail of the decision
7 on review.